

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB99

Hearing Date: Wednesday January 23, 2013
Committee On: Judiciary
Introducer: Mello
One Liner: Change provisions relating to racial profiling information reviews

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Chambers, Christensen, Coash, Lathrop, McGill, Seiler
Nay:		
Absent:	1	Senator Davis
Present Not Voting:		

Proponents:

SEN. HEATH MELLO
ALAN PETERSON
JUDI gaiashkibos
LAZARO SPINDOLA
REBECCA GONZALES
ELIZABETH NEELEY

Representing:

INTRODUCER
ACLU
NE INDIAN COMMISSION
LATINO AMERICAN COMMISSION
NEBRASKA APPLESEED
MINORITY JUSTICE COMMITTEE

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 99 would amend 20-504 of the Nebraska Statutes, which section provides for the collection of racial profiling data by the Nebraska Commission on Law Enforcement and Criminal Justice (Commission) by extending the sunset date for the collection of data from the current date of January 1, 2014 to the new date of January 1, 2018.

LB 99 also amends 20-504 to allow the commission to accept and requires that they actively seek any and all grants, donations, gifts, or contributions from public or private sources for the purpose of funding as comprehensive a review as possible as provided in subsection (6) of this section. Any funds collected shall be transmitted to the State Treasurer for credit to the General Fund.

Please note: Subsection (6) currently provides that a review of the prevalence and disposition of motor vehicle stops based on racial profiling and allegations reported pursuant to this section may be conducted, but such a review has not been undertaken based on the fiscal climate of previous years. Subsection (6) also requires that the results of such review be reported annually to the Governor and the Legislature beginning on or before April 1, 2004, until April 1, 2014, 2018.

Explanation of amendments:

AM34 makes the following changes to LB 99:

Amend section 20-502 - Emphasizes that anti-profiling law covers detentions as well as traffic stops.

Amends section 20-504 - Requires that each law enforcement agency, which is already required to adopt an anti-racial profiling policy under current law, to commit their policy to writing. This section also requires the policy adopted to meet certain minimum standards, (primarily that a minimum level of internal enforcement of the adopted policy is in place);

Requires that a copy of the adopted policy be sent to the Commission on Law Enforcement and Criminal Justice (Crime Commission). If an agency refuses to submit a copy of their policy, then the Crime Commission's model policy will be mandated;

Provides that the analysis of the data reported should lead to a Commission inquiry and study where the data raises "at least some issue or appearance of possible racial profiling"; and

The annual report would include the result of a commission inquiry though individual names would not be used.

Amends section 20-506 - Would increase the powers of the Racial Profiling Advisory Committee of the Crime Commission by allowing the Committee to provide advice and input on more topics than they currently are allowed to provide under statute. The AM34 would authorize the Committee to advise the Executive Director and the Commission itself on:

The annual review of the data by the Crime Commission (Which currently is the only topic that the Racial Profiling Advisory Committee can advise the Crime Commission on under statute);

The completeness and acceptability of the anti-racial profiling policies submitted by law enforcement agencies as required by section 20-504(1);

The collection of data and any needed follow-up or inquiry as provided for in section 20-504(3);

Prevention of profiling and the need, if any, for enforcement by the Nebraska Department of Justice if there is failure to comply with the prohibition, or failure to supply the needed reporting.

Brad Ashford, Chairperson